

## COURT OVERULES LYON'S DEMURRER

County Attorney Will Now Reply  
to Answer of County  
Commissioners.

## ANOTHER CHAPTER IN SMOOT "MOUTH" CASE

Action Will Soon Be in Shape  
to Try Upon Its  
Merits.

Judge Armstrong of the Third district court on Monday overruled the demurrer filed by County Attorney Job P. Lyon to the answer of the county commissioners and their bondsmen in the action brought by the county against the commissioners to compel them to repay into the treasury the sum of \$57,250 alleged to have been illegally paid by them to the International Brotherhood of Publishers for publishing the delinquent tax list last year. The court gave the county attorney ten days in which to plead to the answer of the commissioners, and although he lost out in the second round of the fight to recover the money, Mr. Lyon announced that he would plead within a few days and continue the fight to the end.

Acting upon the advice of Hiram E. Booth, United States district attorney, and president of the International Brotherhood of Publishers, the county commissioners last year awarded the contract for publishing the delinquent tax list to that party, without advertising for competitive bids for the same, as required by law. In other words, the contract was secretly awarded to the Smoot "Mouth" by the commissioners. When the matter came to the knowledge of County Attorney Lyon he filed suit against Commissioners James E. Linton, John C. Morris, and Walter J. Barton and their bondsmen to recover the money so illegally paid out.

The commissioners attempted to knock the complaint out on demurrer, but were unsuccessful in that respect. They then filed an answer, in which they attempted to justify the action, claiming that they asked the Republic to submit a bid for the printing, which it did, and upon that bid the contract was awarded, and further, that by reason of the publication of the delinquent list the Smoot sheet, the county was enabled to collect about \$180,000 of delinquent taxes, and, accordingly, had received the benefit of the contract.

The county attorney demurred to the answer, and contended that the commissioners did not comply with the law in any respect with regard to advertising for bids for publishing the list, and hence the contract which they let to their party was illegal from the beginning, and could not be afterwards ratified by any action on their part.

Contention of Defense.

Hiram E. Booth and Attorney B. J. Stewart, who represent the commissioners and their bondsmen, contended that the proper procedure was to enjoin the commissioners from letting the contract or enjoin the auditor from issuing a warrant to the Republic for the payment of the bill. They argued that the commissioners could not be held personally liable for any slight departure from the law or mistake in office.

Now that the demurrer of the county attorney has been overruled he will probably file a reply to the answer of the commissioners and try the case out on its merits.

This year the commissioners did not repeat their action of a year ago in letting the contract, but they advertised for bids. However, the Telegram submitted a lower bid than the Smoot organ, but the latter was awarded the contract just the same.

**City and Neighborhood**

MRS. HELEN MALBURN of Salt Lake is visiting Mr. J. H. Hoffman at Ogden, N. Y., for a few days.

MR. AND MRS. R. L. F. STELTER will leave this evening for Chicago, Milwaukee and Cleveland, O., for several weeks.

REPRESENTATIVES C. R. DORRIS of Sanpete county and Martin Jensen of Sevier county are Salt Lake visitors. They were calling upon state officials Monday.

D. W. PARRATT, supervisor of manual training in the city schools, Monday was appointed by Governor Spry as a delegate from Utah to the annual convention of the National Society for the Promotion of Civic Education, which meets at Milwaukee from December 2 to 4.

AN ACTION FOR DIVORCE was filed in the district court Monday by Margaret Bartlett against W. L. Bartlett. They were married in Ogden on May 11, 1908, and it is alleged that since July 15 last Bartlett has failed to provide his wife with the common necessities of life.

JUDGE C. W. MORSE of the district court Monday entered an order permitting W. P. Atkinson, receiver of the Salt Lake City Public Service company, to borrow the sum of \$3000, with interest not to exceed 10 per cent, for the purpose of paying off some of the indebtedness of the company.

HENRY BARNES, who lives at 711 Fifth avenue, brought home Sunday afternoon from the U. S. S. hospital, where he underwent a serious operation for appendicitis two weeks ago. He is improving a little every day, but it will be some time yet before he will be around again.

A MEETING of the building and furnishings committee of the Commercial club was held at the club Monday noon, and a few important changes were made in the original plans for the furnishing of the new building, which is now under construction on Catharine street. Nothing of importance was acted upon by the committee.

WILLIAM DAVIS filed suit for divorce in the district court Monday against Jennie Davis, on grounds of desertion. They were married in this city on January 22, 1908, and it is alleged that Mrs. Davis deserted her husband on October 1, 1908, and is now in Seattle. They have one minor child, which is with its mother.

**PURCHASE CONTROL IN  
SEATTLE CIGAR TRADE**

O. G. Heinenway and C. G. Moser, of the cigar firm of Heinenway & Moser of this city, have bought the control in the cigar business of J. Schumpff and W. S. Grinsfelder in Seattle, Wash., and of Mr. Grinsfelder in Spokane. It is understood that the various interests will soon be consolidated, with a capitalization of \$100,000.

Mr. Moser will move to Seattle and conduct the branch in that city, with the assistance of C. G. Moser, who for some years has been associated with Mr. Schumpff. J. H. Hamilton of Clinton, Ia., will manage the Spokane house. Mr. Heinenway will remain in Salt Lake.

## CITY SOLONS INSPECT TUBERCULAR CATTLE

Meat Inspector Treman Gives  
Demonstration in Basement  
of Joint Building.

After the council adjourned Monday night the members took advantage of the opportunity to inspect the carcasses of cattle condemned by the city and government inspectors because of tuberculosis. About thirteen cows and two calves have been slaughtered by the city officials recently because of that disease and an examination of the carcasses proved the correctness of the diagnosis.

Veterinary Inspector J. W. Treman and Food Inspector Walter J. Frazier explained the infection to the members of the council. One case was particularly interesting because it was one of the very few where advanced tuberculosis has been found in a calf. The examination of this carcass also showed that in all probability the disease had been transmitted from the mother to the calf.

The first point of infection was in the umbilical cord. It was also developed that the infection had been found scattered through the lymphatic glands and both lungs, showing that the case had become systemic.

City Food Inspector Frazier declared that nearly 50 per cent of the cattle inspected thus far by the city and government officials in the order of the case had become systemic.

The danger has been pointed out to the owners of cattle of permitting affected animals to mingle with the others, as the disease is then contracted by the other cattle. In almost every case, the inspectors say, the owner of the animal is as anxious to get rid of them as they are.

In testing for tuberculosis the temperature of the animal is taken the day previous to the test in order to get the normal. Then tuberculin is injected into the animal and the temperature is taken from eight to sixteen hours afterwards, and if the animal shows marked fever it is affected with tuberculosis.

**TO CURE A COLD IN ONE DAY**  
Take LAXATIVE BROMO QUININE TABLETS. Druggists refund money if it fails to cure. E. W. GROVE'S signature is on each box. 25c.

**NEW TOWN OF TOOLEE IS BOOMING**

After spending ten days at Tooele on insurance business John James of the Anderson Insurance agency and the Travelers of Hartford returned to the city Monday. Mr. James is being ousted over the prospects of the new smelter town, and predicts that within five years from now it will have a population of from 15,000 to 20,000. "It will certainly be the Anconia of the West," he declared Monday afternoon.

Mr. James says the new smelter which is now under course of construction, about four and one-half miles away from the old town of Tooele, or Tooele proper, and about three and one-half miles away from the new town, is progressing rapidly, and he expressed his surprise at the magnitude of the plant.

"Fully 600 men are employed at the smelter at the present time," said Mr. James Monday. "and it is quite a sight to see them load off and on the trains as they go to and from their work. Splendid progress is being made with the work of building the plant. The fires are already completed, and about 125 feet of the shaft, 350 feet in diameter, has been finished. The smelter people expect to 'blow in' and have the plant in operation about the latter part of April or early in May, at which time full workmen will be employed, all white labor."

In the new town of Tooele Mr. James met former Police Officer Kelly of this city, who, along with J. M. Fitzgerald, is about to start a laundry, with all modern conveniences and appliances. The machinery is being installed for the plant at the present time. The beautiful new hotel building, Mr. James says, is nearly completed, and will be ready for occupancy by December 1.

Mr. James says that Ivor Aik, formerly county clerk of Tooele county, is about to enter into the mercantile business in conjunction with William Price, a well-known citizen and retired prospector of Tooele. Commercial premises for the firm are now being built, and will be completed with all possible haste, according to Mr. James.

Mr. James says work has also been commenced on the tunnel, which is to be bored through the side of the mountain which now separates Tooele from Bingham canyon. Through this tunnel the ore from the Bingham mines will be shipped to the Tooele smelter for re-shipment.

**Practical Shoppers**

Will appreciate the good lines and excellent workmanship throughout our entire line of furs that insure permanency of style and fit. McHenry's, 156 Main.

**HONORARY COMMISSION FROM JAPAN  
TO BE GUESTS OF ZION WEDNESDAY**

In a special train over the Denver & Rio Grande railroad, the Honorary Commission from Japan, which is returning to the coast after touring the country from Seattle to New England en route home, will arrive in this city at 8 o'clock Wednesday morning for a visit of a few hours. At the head of the commission is Mikado, sixty-five in number, will be met by Governor William Spry, Mayor John S. Bransford, Secretary of State Charles S. Tingey, A. J. Davis, president of the city council; W. J. Halloran, president of the commercial club; Joseph E. Caine, secretary of the Commercial club; H. G. Whitney, chairman of the Commercial club entertainment committee; Lester R. Freed, chairman of the Commercial club transportation committee; and E. D. Hashimoto, head of the Japanese colony here, with automobiles.

The party will be taken to the tabernacle in automobiles, and after listening to a special organ recital will be conveyed about the city in automobiles in order that the members may observe the places of interest. The commission may be given a reception at the Commercial club about 11 o'clock, but this has not been definitely decided upon. The commission will leave at noon for Ogden, journeying to San Francisco, and thence as far south as San Diego, returning to the California metropolis to be entertained there prior to its departure for Yokohama on Nov. 29.

The commission, which represents the commercial life of the island empire on the trip, made the tour of the country at the invitation of the Associated Chambers of Commerce of the Pacific coast, which embraces San Francisco, Los Angeles, San Diego, Cal., and Seattle, Tacoma, Portland and Spokane in the northwest. About a year ago the Chambers of Commerce of the five principal cities of Japan—Tokyo, Yokohama, Osaka, Kyoto and Kobe—invited a visit from representatives of the Chambers of Commerce of the Pacific coast to Japan, which invitation was accepted by the chambers of commerce of those cities and made the tour of Japan.

In return the eight associated Chambers of Commerce of the Pacific coast invited a visit to the country of representatives of the Chambers of Commerce and the great commercial interests of Japan, and planned the present tour.

**Good Blood**

Means good health, and Hood's Sarsaparilla has an unapproached record as a blood-purifier.

It effects its wonderful cures, not simply because it contains sarsaparilla, but because it combines the utmost remedial values of more than 20 different ingredients. There is no real substitute for it. It is urged to buy any preparation said to be "just as good" you may be sure it is inferior, costs less to make and yields the dealer a larger profit.

Get Hood's Sarsaparilla today. In usual form, or in chocolate tablets known as Sarsatabs.

## TO INVOKE LAW IN CONSUMERS' BEHALF

Food Commissioner Is After  
Givers of Short Weight  
in Butter.

It is possible that the food laws will be invoked in behalf of the consumer who gets short weight butter. State Dairy and Food Commissioner Willard Hansen will conduct a rigid investigation of complaints which have been coming to his office for some time.

"I have had a large number of complaints," said Mr. Hansen, Monday, "from persons who say that when they get a pound of butter they get a package containing fourteen or fifteen ounces. The law requires that the manufacturer shall indicate the package the exact weight of the butter contained therein. It is customary now to mark packages presumed to contain a pound '15-16' ounces, but the weight is always, I am told on good authority, fifteen and not sixteen. The manufacturers say the butter weighs the full sixteen ounces when it is put up by them, but that it shrinks through evaporation. It is a fact, however, that a large number of the packages are labeled fourteen and fifteen ounces, but that it occurs to me, does not warrant a dealer in handing a customer one of these when a pound is called for."

"I am not altogether sure that we cannot proceed against the manufacturer who sells what you might call 'short-weight' butter. They are doing it in other states, and the dairies are coming through. I think we may be able to do the same thing in this state. Certainly when a person asks for a pound of butter he is entitled to receive sixteen ounces, and not fourteen ounces or any other number of ounces lower than sixteen. If the manufacturer is not satisfied what steps will be taken in the matter, but I am quite sure that something will be done."

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**Sousa's Matinee, Tabernacle Today.**  
At 3 p. m. School pupils 25c.

**"SHAKEUP" LIKELY  
IN SUGAR CIRCLES**

Continued from Page One.

and the money reward he desires for his services as a secret agent.

"Mr. Parr knows that should the order be rescinded in this particular case, he would still be compelled to prove that he was the original information on which the department acted in making investigation with regard to the results. He naturally does not minimize, to say the least, his own part in the proceedings."

"So far as the department in Washington is concerned, it had no knowledge of the matter until so far as matters pertaining to sugar frauds until information received here was sent to New York for investigation. He was appointed a special employee of the department in 1905, and has since that time been concerned to make any special investigations of any kind, but to do general work."

"After a time, he was transferred to New York and assigned to the office of the special agent at the custom house."

"The first connection the department had with Mr. Parr as a sugar investigator was after information had been lodged here. Mr. Parr himself in a letter written to the department during the present year, states:

"Officially the investigation of the alleged wrongdoing in the weighing of sugar was assigned to me November 11, 1907, by special Agent G. F. Cross. "Mr. Parr states that on the eve of the sugar trial he was sent on a trip to the west, thus preventing him from carrying on the investigation, and this was done to hinder the investigation. "Mr. Parr states that he was ordered to make this trip. It was at the direct request of District Attorney Stimson."

"Mr. Parr has something to say in regard to the releasing of the vessel Strathairn, in the summer of 1907, after he had seized it. There is no information in any of the reports of the department tending to show any violation of the customs law by said vessel or master or owner."

"Mr. Parr makes the statement that in the summer of 1908 Mr. Bates, the regular examiner and expert of the department, was allowed to take part in the investigation in opposition to his letter to the department, in which he stated that he did not know, as I was in Europe at the time, and had no connection with the alleged incident."

"This disposes of the specific charges of Mr. Parr."

"To carry general implication that the office of the assistant secretary in charge of customs was somehow in league with or under the influence of the sugar trust, I can only assert most positively that I have no information of any of the reports of the department tending to show any violation of the customs law by said vessel or master or owner."

**OFFICERS ARE ELECTED  
BY TRAFFIC BUREAU**

The newly-elected board of directors of the Salt Lake Commercial Club Traffic bureau had a meeting at the bureau of Monday evening and elected the following officers: President, Stephen H. Love; vice president, J. G. McDonald; treasurer, Samuel Weitz; secretary, W. S. McCarthy. The president, vice president and secretary were elected by ballot. William Bowen and J. M. Abbotts, form the executive committee.

As the election of officers, nothing of importance was acted upon.

**It Is Curable**

Dyspepsia may be completely eradicated if properly treated. We sell a remedy that we positively guarantee will completely relieve indigestion, dyspepsia, or the medicine used during the trial will cost the user nothing.

This remedy has been named Rexall Dyspepsia Tablets. Certainly no offer could be more fair, and our offer should be most positive that Rexall Dyspepsia Tablets are a dependable remedy.

Inasmuch as the medicine will cost you nothing if it does not benefit you, we urge you who are suffering with indigestion or dyspepsia to try Rexall Dyspepsia Tablets. A 25-cent box contains enough medicine for fifteen days' treatment. For chronic cases we have two larger sizes, 50 cents and \$1.00. Remember you can obtain Rexall Remedies in Salt Lake only at our stores, The Rexall Stores, The Smith Drug Co. and Druehl & Franken.

## SALT LAKERS REACH GREEN RIVER SAFELY

Given Rousing Reception and  
Deliver Addresses in  
Night Meeting.

Special to The Tribune.

GREEN RIVER, Nov. 15.—Exploitation of the newly-developed fruit country has received a great boost today from members of the party of Salt Lake business men who arrived here afternoon on their tour of the Green and Grand river farm lands. The party, which came in on train 6, included the following:

N. Griffin, H. S. Schofield, T. G. Wimmer, J. Louis Strober, the Rev. P. B. Short, E. T. Merritt, E. O. Howard, A. E. Kimball, A. H. Birrell, C. A. Gray, M. L. Cummings, E. D. R. Thompson, J. B. Cosgriff, H. I. Bowles of The Salt Lake Tribune, William Hughes of the Herald-Republican, and J. O. Young of the Western Monthly.

Special parlor car Burmont and the Diner Colorado, under the charge of Conductor C. B. Mardike and O. H. Getty, were provided for the use of the party from Salt Lake City by the Denver & Rio Grande railroad.

Arriving at Green River, members of the party were met by boosters of the city, shown about the place and taken on tour of the fruit orchards in the evening, at a meeting in the hall over the new Green River bank, the Salt Lakers and local business men were entertained with music, and addresses were made by E. D. R. Thompson, E. O. Howard, T. G. Wimmer, A. D. Lewis, E. A. Brinker, Thomas McCarty, W. P. Epperson, and others. The addresses dealt with the wonderful change which has taken place in this city within the past few years and the apparent opportunities for further development. A banquet was served at the Western hotel.

The Salt Lakers will leave tomorrow morning on a steamboat for the ranch of T. G. Wimmer, about thirty miles down the river. The trip will be extended from there to the Cataracts and to Moab. Arrangements are being made by the citizens here for a "sousing" reception for the visitors on their return from Moab, when a banquet will be served and a mass meeting held, ending with a grand ball in the evening.

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## DO YOU GET UP WITH A LAME BACK?



Have You Rheumatism, Kidney, Liver or Bladder Trouble?

To Prove what Swamp-Root, the Great Kidney, Liver and Bladder Remedy, will do for YOU, all our Readers May Have a Sample Bottle Sent Free by Mail.

Pain or dull ache in the back is evidence of kidney trouble. It is nature's timely warning to show you that the truck of health is not clear.

**Danger Signals.**  
If these danger signals are unheeded more serious results follow: Bright's disease, which is the worst form of kidney trouble, may steal upon you.

The mild and immediate effect of Swamp-Root, the great kidney, liver and bladder remedy, is soon realized. It stands the highest for its remarkable curative effect in the most distressing cases. If you need a medicine you should have the best.

**Lame Back.**  
Lame back is only one of many symptoms of kidney trouble. Other symptoms showing that you need Swamp-Root are being obliged to pass water often during the day and to get up many times during the night.

**Catarrh of the Bladder.**  
Inability to hold urine, smarting in passing, uric acid, headache, dizziness, indigestion, sleeplessness, nervousness.

**SAMPLE BOTTLE FREE.**—To prove the wonderful merits of Swamp-Root you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands of letters received from men and women who found Swamp-Root to be just the remedy they needed. The value and success of Swamp-Root is so well known that our readers are advised to send for a sample bottle. Address Dr. Kilmer & Co., Binghamton, N. Y., be sure to say you read this generous offer in The Salt Lake City Daily Tribune. The genuineness of this offer is guaranteed.

**WOOLGROWERS WILL  
HAVE BIG MEETING**

Two Thousand Delegates to Discuss Questions of Importance at Ogden.

George S. Walker, secretary of the National Woolgrowers' association, is in Salt Lake for a day or two. Mr. Walker called at the office of the Utah State Woolgrowers' association in the Judge building for a chat with Secretary C. B. Stewart.

In January the big convention will be held in Ogden. The dates are the 6th, 7th and 8th. The Ogden meeting promises to be the largest meeting of the association ever held. Many questions of the highest importance to the sheep industry will be discussed.

"Many important questions will be discussed at the Ogden meeting. The convention will take up the forest question. That is one of the big problems with which the sheep man has to deal at present. Then there will be the long bill, or rather bills, in congress. Doubtless vigorous action will be taken with regard to the Burckett and Nelson bills. The sheepmen are strongly opposed to these measures; their success would mean a stupendous loss to the industry; they would be bad medicine, indeed. We expect the National Live-stock association, which meets in Denver immediately following our Ogden meeting, to take action on this matter, also. When these bills were up before we sent a delegation to Washington, and we 'skinned 'em.' I think we will do the same thing again."

"This Ogden meeting, too, will undoubtedly take up schedule K of the Furman strike. Our country, as you recently said, 'It's the first time we have ever succeeded in getting at any of those fellows,' he said, 'and I'm happy to note that they had things done to them.'"

Mr. Walker, in addition to being a sheep enthusiast, is also a newspaper man, and a good one.

**BREEDEN'S OFFICE TALK**  
"It's for the office Breeden has it"

**TODAY  
Small Ledgers**

The "real system" for keeping small accounts. They are Morehouse ledgers and are loose leaf, just like the large ones. Nicely bound and lay flat open. The most convenient ledger ever made for few accounts.

**Encouraging Letter.**  
In response to the request of D. F. Collett, secretary of the Manufacturers association, that the wards of the various stakes of the state unite in a movement to protect and advance home industries, Mr. Collett received a letter Monday from W. F. Adams, clerk of the Salt Lake Stake, assuring him that the wards of that stake will be pleased to unite in such a movement. The letter included a list of the names of the bishops of the various wards of the stake.

**You'll Like Them.**

**TELEPHONES 729  
BreedenOfficeSupplyCo.  
60West 2ndSt.**

**STUART, BARNETT  
& COMPANY**

**UNION DENTAL CO.**  
212 MAIN STREET.  
**HONEST WORK  
HONEST PRICES**  
Painless extraction of teeth. No pain. All work guaranteed.  
**REMEMBER US  
We Treat You Right**

## Sub-Way

**MULLETT'S  
Clothing Store**  
Bigger and Better Than Ever.

The sub-way is completed and will be open to the public of Salt Lake for inspection on Wednesday morning, November 17.

The sub-way is the basement salesroom and the workingmen's headquarters.

Every lady visiting the sub-way on Wednesday afternoon between 4 and 6 will receive a beautiful souvenir.

**MULLETT  
CLOTHING CO.**  
Half block west from Main, on Second South.

**Sub-Way**

**You'll  
Invite**

A neighbor in occasionally to spend some of these long evenings pleasantly, and nothing will be appreciated like a warm house.

If you are using our **CLEAR CREEK** Coal you will not have any of those disagreeable coal troubles.

**BAMBERGER**  
161 MEIGHN ST., U. S. A.  
Eleven Phones.

**FAREWELL TESTIMONIAL  
TO DEPARTING ELDERS**